

REMARKS

Summary of Office Action

A three-month extension of time in which to respond to the Office Action dated July 25, 2007 for the above-identified patent application is respectfully requested. The Director is hereby authorized to charge \$1,050.00 in payment of the one-month extension-of-time fee to Deposit Account No. 06-1075 (order no.: 099999.0099). A duplicate copy of this paper is enclosed.

Claims 1-16, 37-53, and 55 have been cancelled without prejudice. Claim 22 has been amended to correct a minor inadvertent error. New claims 56 and 57 have been added. Claims 17-21, 23-36, and 54 are also currently pending in the above-identified patent application. No new subject matter has been added as a result of the amendments to the claims.

Claims 17-19, 22, 24-32, 35, and 54 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Vargas et al. U.S. Patent 6,371,964 (hereinafter "Vargas").

Claims 20, 21, 23, 33, 34, and 36 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Vargas and Lazarus U.S. Patent 5,397,345 (hereinafter "Lazarus").

Reconsideration and allowance of this application in light of the following remarks is hereby respectfully requested.

The Rejections Based on 35 U.S.C. § 102

Claims 17-19, 22, 24-32, 35, and 54 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Vargas. These rejections are respectfully traversed.

Each one of applicants' independent claims 17, 24, and 54 defines a connector for making a hollow anastomotic connection between "a first aperture in a side wall" defined by first and second ends of a graft tissue conduit and "a second aperture in a side wall" defined by first and second ends of a body tissue conduit in a

patient. The connector includes a plurality of first members extending away from the structure, wherein a first group of the plurality of first members is "configured to engage the interior wall of the body tissue conduit about the second aperture" in the side wall of the body tissue conduit, and wherein a second group of the plurality of first members is "configured to engage the graft tissue conduit about the first aperture" in the side wall of the graft tissue conduit.

For example, as shown in applicants' FIG. 26, a connector 100 may include a plurality of distal members 124 positioned within lumen 608 of a second [body] tissue conduit 600 and distal members 124 may be "engaged with interior surface 604 of second body tissue conduit 600 about aperture 602" in the side wall of conduit 600 (applicants' specification, page 40, lines 16 and 17). Moreover, as first described with respect to applicants' FIGS. 6-8, distal members 124 may "engage first conduit 200 evenly around periphery 203 of aperture 202" in the side wall of conduit 200 (applicants' specification, page 22, lines 12 and 13).

On pages 2 and 3 of the Office Action, the Examiner asserts that item 14 and lower portion 18 of Vargas anticipate the connector of each one of applicants' claims 17, 24, and 54. Applicants respectfully disagree.

Nowhere does Vargas show or suggest a connector for use in making a connection between "a first aperture in a side wall defined by first and second ends of a tubular graft tissue conduit and a second aperture in a side wall defined by first and second ends of a tubular body tissue conduit," as required by each one of applicants' independent claims 17, 24, and 54. Instead, Vargas describes "deploying a large vessel anastomotic device, [wherein] the device (with one end of a graft vessel attached thereto) is inserted into an incision in a wall of the target vessel," (Vargas, column 5, lines 28-30, emphasis added).

Moreover, nowhere does Vargas show or suggest a connector with a plurality of first members "configured to engage the interior wall of the body tissue conduit about the second aperture," as required by each one of applicants' independent claims 17, 24, and 54. Instead, Vargas describes an end of a graft vessel 30 that is inserted through the center of an anastomosis device 10 and that is "everted over the first linkage 16 at the first end of the device," (Vargas, column 7, lines 37 and 38), such that the exterior wall of the graft vessel 30 is engaged by the anastomosis device. Vargas also describes inserting the device and everted graft vessel into the target vessel 32 to "secure the graft vessel to the target vessel by trapping the wall of the target vessel between . . . the flanges and the everted graft vessel 30," (Vargas, column 7, line 45 through column 8, line 6). Nowhere does Vargas show in FIGS. 1 and 2 any portion of anastomosis device 10 engaging any portion of any "interior surface" of either graft vessel 30 or target vessel 32, let alone engaging an "interior surface" of a tissue conduit about an aperture in a side wall of the tissue conduit, as defined by each one of applicants' independent claims 17, 24, and 54.

Thus, for at least the above reasons, each one of applicants' independent claims 17, 24, and 54, and each claim dependent therefrom, is allowable over Vargas. Applicants respectfully request, therefore, that the rejection under 35 U.S.C. § 102(e) of independent claims 17, 24, and 54, and any claims dependent therefrom, including claims 18, 19, 22, 25-32, and 35, be withdrawn.

#### The Rejections Based on 35 U.S.C. § 103

##### Claims 20, 21, and 23

Claims 20, 21, and 23 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Vargas and Lazarus. These rejections are respectfully traversed.

As applicants have pointed out above, independent claim 17 is patentable. For at least the foregoing reasons, claims 20, 21, and 23, each of which depends from claim 17, are patentable. Thus, for at least the above reasons, applicants respectfully request that the rejection under 35 U.S.C. § 103(a) of claims 20, 21, and 23, and any claims dependent therefrom, be withdrawn.

Claims 33, 34, and 36

Claims 33, 34, and 36 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Vargas and Lazarus. These rejections are respectfully traversed.

As applicants have pointed out above, independent claim 24 is patentable. For at least the foregoing reasons, claims 33, 34, and 36, each of which depends from claim 24, are patentable. Thus, for at least the above reasons, applicants respectfully request that the rejection under 35 U.S.C. § 103(a) of claims 33, 34, and 36, and any claims dependent therefrom, be withdrawn.

Conclusion

The foregoing demonstrates that claims 17-36 and 54-56 are allowable. This application is therefore in condition for allowance. An early and favorable action is respectfully requested.

Respectfully submitted,



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